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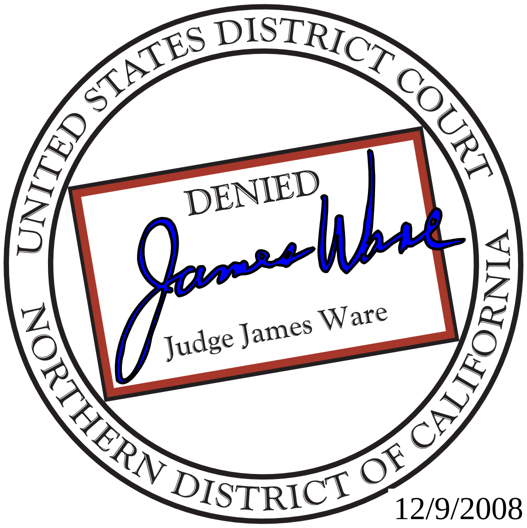
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
DENIED
James Ware
Judge James Ware

12/9/2008

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

| | |
|---|---|
| **THE APPLE iPOD iTUNES ANTI-TRUST LITIGATION** | **Case No. C 05-00037 JW**<br>**C 06-04457 JW**<br><br>**DEFENDANTS' MOTION UNDER CIVIL L.R. 7-3(d) TO FILE RESPONSE TO PLAINTIFFS' REPLY MEMORANDUM IN SUPPORT OF CLASS CERTIFICATION**<br><br>**Date:** December 15, 2008<br>**Time:** 9:00 A.M.<br>**Place:** Courtroom 8, 4th Floor |

Dockets.Justia.com

Apple respectfully requests leave under Civil Local Rule 7-3(d) to file the attached 2½-page memorandum in response to plaintiffs' reply memorandum on class certification. Apple's response is limited to responding to three new arguments raised in plaintiffs' reply and to correcting plaintiffs' misstatement regarding Apple's opposition to certification of plaintiffs' section 2 claims. Apple believes that having this response in advance of the hearing will assist the Court in evaluating the parties' arguments and will permit a more efficient presentation of the issues as the hearing.

Dated: December 2, 2008

JONES DAY

By: /s/ Robert A. Mittelstaedt
Robert A. Mittelstaedt

Counsel for Defendant

**IT IS SO ORDERED:**

The Motion for Leave to file is DENIED.

Dated: December 9, 2008

James Ware
United States District Judge